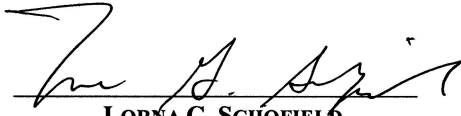


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LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE

March 11, 2021

Hon. Lorna G. Schofield
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

By **March 18, 2021**, the parties shall file a joint proposed Second Amended CMP with deadlines, including those in Paragraph 8, that are consistent with the proposals in the below letter. The parties shall amend Paragraph 8(g) so that the parties may not change the dates in Paragraph 8 by more than one week, and may not change at all the final deadline for fact discovery in Paragraph 8(a). In Paragraph 13 of the proposed Second Amended CMP, the parties shall include status letters due every 30 days. By **March 24, 2021**, the parties shall file a list of expected deponents and their roles. For the deponents the parties know they will depose, the parties shall include dates for their depositions agreeable to counsel and the witnesses, which the court will so order.

SO ORDERED.

Dated: March 15, 2021

New York, New York

Re: Discovery Status - *River Light V, L.P., et al. v. Olem Shoe Corp.* (1:20-cv-07088-LGS)

Dear Judge Schofield:

Pursuant to the Court's January 29, 2021 Order (ECF No. 29) and Rule IV.A.2. of the Court's Individual Rules and Procedures for Civil Cases, Winston & Strawn LLP, counsel for Plaintiffs River Light V, L.P. and Tory Burch LLC ("Plaintiffs"), together with Kaufman & Kahn, LLP and Burstein & Associates, P.A., counsel for Defendant Olem Shoe Corp. ("Defendant"), submit this joint discovery status letter.

There are no pending motions. As stated in the parties' last letter(s), the parties propounded their respective requests for production on December 7, 2020. The parties served objections and responses to requests for production on January 15, 2021. The parties served their respective first set of interrogatories on December 7, 2020. The parties served objections and responses to the respective interrogatories on January 15, 2021. Olem amended certain of its discovery responses on February 5. Tory Burch served a second set of interrogatories on February 5. Olem's responses to Tory Burch's second set of interrogatories were initially due on March 8, but Olem will be responding to them on Friday, March 12. Tory Burch also has amended its initial disclosures, which it served on Olem on February 26.

The parties are continuing to work together to complete document discovery, which is substantial. The parties initially hoped to complete document production by March 19, 2021, but due to the exchange and negotiation of search terms and custodians later than planned, as well as other production issues, now expect to complete document production by March 31, 2021. There also are some ESI search terms that have resulted in voluminous hits and the parties are working together to negotiate them to make them less burdensome. This proposed deadline does not account for any third-party subpoenas, which may result in production of documents after this date.



March 11, 2021
Page 2

The parties are engaged in regular communication regarding discovery issues as they arise and thus far have been able to resolve discovery disputes without the need for the Court's intervention. Since the parties' January letters, we have submitted a Protective Order and ESI order, which have been approved by this Court, have conferred twice and exchanged written communications to address disagreements in responses to requests for production and to negotiate and revise ESI search terms. To date, plaintiffs have produced 39,509 pages of documents (18,978 total documents), and defendant has produced over 4,000 pages of documents (1,373 total documents). Plaintiffs and defendant anticipate producing more documents by March 31, 2021.

In addition to the progress made in document discovery, the parties are committed to continuing to work cooperatively towards the Court's other deadlines, including:

- Requests to Admit served by – April 5
- Expert Schedule Meet & Confer – April 26

Due to the anticipated size of the document production (and anticipated third party subpoenas), the parties believe they will need time beyond the current fact discovery deadline of May 4 to conduct depositions. As the parties previously explained to the Court in their January 26 joint report, they anticipate as many as 20 depositions to occur, which the parties previewed would be a challenge to complete by May 4 after taking into account allowing time to complete document production. (Dkt. No. 28). Currently, the schedule allows only one month to conduct depositions after completion of document production, which is not feasible. The parties anticipate needing at least April and May for fact depositions. To that end, the parties would respectfully request the Court to extend the current expert deposition deadline of June 18 by one month to July 18 to allow fact discovery to also be extended by one month and complete prior to expert work. Alternatively, the parties respectfully request the Court to extend the fact discovery cutoff to June 4 to allow fact depositions to occur simultaneously with expert discovery.

The parties are of course available to discuss this further at the Court's convenience and appreciate the Court's consideration of these issues.

Respectfully submitted,

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March 11, 2021
Page 3

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